

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANWAR, *et al.*,

Plaintiffs,

v.

FAIRFIELD GREENWICH LIMITED, *et al.*,

Defendants.

This Document Relates To: All Actions

Master File No. 09-cv-118 (VM)(THK)

**DECLARATION OF JAMES A. HARROD
IN SUPPORT OF PLAINTIFF AAC INVESTMENT, INC.'S AND PLAINTIFF
FUNDACIÓN VIRGILIO BARCO'S MOTION FOR VOLUNTARY DISMISSAL
OF THEIR CLAIMS WITHOUT PREJUDICE**

I, James A. Harrod, declare as follows:

1. I am a partner at Wolf Popper LLP ("Wolf Popper"), counsel of record for AAC Investment, Inc. and Fundación Virgilio Barco ("AAC," and "Barco," respectively), named plaintiffs in *Anwar et al v. Fairfield Greenwich Limited et al*, 09-cv-118 (VM)(THK) (the "Action").
2. I have personal knowledge of the facts stated herein.
3. I submit this declaration in further support of Plaintiff AAC's and Plaintiff Barco's Motion to Voluntarily Dismiss Their Claims Without Prejudice.
4. Alberto Escobar has represented to me that he and other members of his family control and are the owners and/or beneficiaries of AAC and Barco. Alberto Escobar has represented to me that he has authority to act on behalf of both AAC and Barco.
5. Mr. Escobar recently called to my attention that it is necessary for Barco and AAC to withdraw from the Action because of serious illness among the members of his family who would need to participate in the litigation on behalf of Barco and ACC.

6. During a telephone conversation on June 30, 2011, Mr. Escobar specifically explained to me in detail that his father is suffering from cancer, and has recently undergone surgery as part of his ongoing treatment.

7. Also during that conversation, Mr. Escobar informed me that his sister has recently travelled to the United States to undergo comprehensive treatment in Boston, Massachusetts for diabetes, and may require a kidney transplant.

8. Mr. Escobar stated that the stress resulting from participation in the Action has exacerbated these health issues and continues consume time and resources that his family needs to focus on the support and treatment of ailing family members.

9. I believe that Barco and ACC joined as named plaintiffs in good faith, and now seek to withdraw as plaintiffs in good faith, to focus on the health and well-being of controlling family members.

10. Mr. Escobar is currently away from home, travelling internationally, and is unable to review and sign his own declaration. By the attached email, he consented to submission of this statement regarding our conversations.

11. On behalf of Plaintiffs AAC and Barco, my firm requested defendants' consent to the motion for voluntary dismissal, and counsel for each defendant in this Action expressed consent to AAC's and Barco's voluntary dismissal.

I hereby declare under penalty of perjury under the laws of the United States and the laws of the State of New York that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on July 7, 2011, at New York, New York.

/s/ James A. Harrod
James A. Harrod

James Harrod

From: Alberto Escobar [alesco@cable.net.co]
Sent: Friday, July 01, 2011 5:33 PM
To: James Harrod; Ceb mail
Cc: Alberto Escobar
Subject: Motion to be removed

Jim,

As agreed, i am putting in writing what i mentioned you over the phone yesterday. The reason we seek fundacion virgilio barco and aac investments to be removed without prejudice as plaintiffs is because currently there are several family members with very serious illnesses that requiere our full attention, care and most of all peace of mind serenity. Speccifically , My father has cancer and has had two mayor surgerys in the last two years, my sister who is 45 and mother of two young children in school has a severe diabetis condition and currently is undergoing treatment at joslin center in boston because it is possible that she has a kidney failure and might need a transplant. As a family aside from the financial loss, this medical situation has been very hard on all ,and We just can not bear the emotional strain of this case and seek to be removed in order to have much needed peaceful and serene days as a family.

Once again i hope you understand why we wish to be removed.

Thank you.

Sent from my BlackBerry® wireless device